

REMARKS

Reconsideration of the above-identified patent application in view of the proposed amendment above and the remarks below is respectfully requested.

No claims have been canceled or added in this paper. Claims 1 and 6 have been amended in this paper. Therefore, claims 1-3 and 5-23 are pending. Of these claims, claims 14-23 have been withdrawn from further consideration as being drawn to a non-elected invention. Accordingly, claims 1-3 and 5-13 are under active consideration.

Claims 1-3 and 5-13 stand rejected under 35 U.S.C. 103(a) "as being unpatentable over Staheli, USP 5,028,225 in view of Takagi et al., USP 4,875,647 for the reasons cited in the previous office action." In support of the rejection, the Patent Office states the following:

The cited primary reference substantially teaches the basic claimed process of molding a continuous cable tie. The detailed process steps include providing a continuous web or film of material wherein the web passes through an injection mold and a plastic material having a desired feature is molded onto the section of web material. The product is cut into individual units upon hardening of the resin. Note that cable ties is suggested, see col. 1, lines 17-22. Also see col. 3, line 30 to col. 4, line 25.

The added reference is cited to show the conventionality of molding a head configuration as claimed, onto a continuous strip of material in the molding of a cable tie. The detailed features include providing a head having head, a channel and a locking tang. The tail portion can be inserted into the head, through the channel and for a loop. See col. 3, lines 5-65 and claims 1-6.

It would have been obvious to so mold a head of the configuration as shown in the added reference, when performing the continuous molding process set forth in the primary reference, for forming a composite cable tie having the conventional head design as disclosed in the applied prior art.

Note that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Later in the Office Action, the Patent Office states the following:

Applicant argues that the art does not teach forming a continuous strap material, cutting to desired length, and then insert molding.

This is not found persuasive in view of col. 3, lines 35-67, particularly lines 64-67, wherein the dam perforates the web material prior to molding. The perforating step is readable on the claimed cutting and it would have been obvious to cut the web prior to molding for forming individual units as desired.

Applicant respectfully traverses the foregoing rejection. Claim 1, from which claims 2-3 and 5-11 depend, has been amended herein and now recites "[a] method of making a cable tie, said method comprising the steps of:

(a) forming a strap, said strap having a front end and a tail, said forming step comprising forming a length of continuously molded strap material and then cutting said continuously molded strap material to yield an individual strap of desired length; and

(b) then, insert-molding a front portion onto said front end of said strap, said front portion comprising a head, said head being adapted to cooperate with said strap to form a locked closed loop."

Claim 1 is not rendered obvious over Staheli in view of Takagi et al. for at least the reason that Staheli and Takagi et al., taken either individually or in combination, do not teach or suggest a

cable tie making method that includes, among other things, the steps of forming a length of continuously molded strap material; **then**, cutting said continuously molded strap material to yield an individual strap of desired length; and **then**, insert-molding a front portion onto the front end of the individual strap.

The Patent Office, relying on col. 3, lines 35-67, of Staheli, contends that Staheli teaches the aforementioned sequence of forming, cutting and insert-molding steps. Applicant respectfully disagrees with the Patent Office's contention that the passage in question teaches or suggests the claimed sequence of forming, **then** cutting and **then** insert-molding. This is because Staheli **reverses** the order of the cutting and insert-molding steps and, instead, discloses a sequence of forming, **then** insert-molding and **then** cutting. This is apparent from the fact that the perforating dam of Staheli is located upstream (i.e., closer to the leading end of the web) relative to its respective mold cavity. As a result, the perforation produced by the Staheli perforating dam is located between (i) the tail end of a strap portion onto which a molded article has already been formed and (ii) what will be, but is not yet, the next molded article on the web. In other words, at the time that an article is molded onto the web, that portion of the web that will later form the strap for the molded article **has not yet been cut to its finished size**. This is because the perforating dam cuts the web **in front of** where the molded article will later be formed for the next successive strap. It does not cut the web to a desired strap length until **after** the molded article has been formed thereon.

As a result of the different sequence of steps taught by Staheli, only one molded article can be formed on a given web at one time. By contrast, the claimed method, which may be used to cut a web into a plurality of straps before any molding takes place, permits many molded articles to be

formed on a given web at the same time. There is absolutely no teaching or suggestion in Staheli or Takagi et al. to alter the sequence of steps to arrive at the claimed sequence.

Claims 2-3 and 5-11 depend from claim 1 and are patentable over the applied combination of references based at least on their respective dependencies. In addition, claim 5 is further patentable over the applied combination of references for the reason that the references do not teach or suggest using rotary extrusion molding. Moreover, claim 6 is further patentable over the applied combination of references for the reason that the references do not teach or suggest punch-cutting the continuously molded strap material to a desired individual strap length and shaping the front and tail ends of the strap. Furthermore, claim 11 is further patentable over the applied combination of references for the reason that the references do not teach or suggest forming a hole proximate to the front end of said strap as a mechanical adhesion promoting element.

Independent claim 12 is patentable over the applied combination of references for at least the same types of reasons given above for claim 1.

Claim 13, which depends from claim 12, is patentable over the applied combination of references based on its dependency from claim 12 and for the reason that the references do not teach or suggest forming a transverse hole in the strap proximate to the front end of the strap and molding through said transverse hole.


Accordingly, for at least the above reasons, the foregoing rejection should be withdrawn.

In conclusion, it is respectfully submitted that the present application is in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.


Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 4, 2003


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